

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
APRIL 19, 2001**

PRESENT: Karen Robinson, David Egan, Roxann Sobek, Patricia Schulz, Jerry Schallock, and Anthony Oberbrunner

ABSENT: Robert Kessler and Robert Mulder

STAFF PRESENT: Secretary Herrera and Deputy Secretary Conway for a portion of the meeting; Cletus Hansen, Becky Fry; Ruby Jefferson-Moore, Legal Counsel

CALL TO ORDER

The meeting was called to order at 9:34 a.m. by Karen Robinson, Chair. A quorum of five voting members was present.

AGENDA

The Board received the April 9, 2001, memo from Ruby Jefferson-Moore, advising of amendments made to the agenda prior to publication.

By consensus, the Board moved to adopt the agenda, as published.

MINUTES (2/15/01)

The Board reviewed Ruby Jefferson-Moore's April 9, 2001, memo advising of amendments to include:

page 2 under "Administrative Rules Update", line 2 under "Revision of HFS Rules" should be under a separate heading.

page 3 the sentence under "Case Closings" which stated "The Board would like clarification added to the rules relating to the guidelines for continuing education units," should be corrected to read "The Board would like clarification added to the rules relating to the guidelines for credential holders who provide false information relating to continuing education." It should be moved under the topic "Other Such Items as Authorized by Law."

Tony Oberbrunner questioned why an individual's name is used under hearings and pending applications, however, not used under case closings. Ms. Jefferson-Moore indicated that a case closing is an enforcement issue and the case number is used rather than naming the individual.

MOTION: Roxanne Sobek moved, seconded by Jerry Schallock, to approve the minutes, as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Oscar Herrera

Deputy Secretary Conway welcomed the Board and introduced Secretary Herrera.

Secretary Herrera provided some background information about himself and offered his support to the Board.

Bureau Director's Report

The Board received the March 30, 2001, Milwaukee Journal Sentinel article entitled "Herrera's climb takes him to cabinet."

- **Board Roster**

The Board received an updated copy of the Board roster. Noted.

Mr. Hansen informed the Board that Robert Mulder was ill and Dr. Kessler had a conflict and was not available to attend the meeting.

Mr. Hansen advised that Karen Robinson's term ends July 1, 2001. He indicated that there are two additional vacancies to be filled.

- **2001 Meeting Dates**

A copy of the 2001 meeting dates was included in the agenda packet. Noted.

- **To-Pass Folder**

Information was circulated in the To-Pass Folder and duly noted.

- **To-Do List**

Mr. Hansen explained that issues that require follow-up are listed on the To-Do List and will continue to be included in the agenda packets.

- **Regulatory Digest Draft**

Mr. Hansen reviewed the Digest draft. He explained that final language is being worked on relating to a rule change that would create a definition of "a pattern of serious violations of federal or state statutes, rules or regulations."

CAREGIVER BACKGROUND CHECKS

Ms. Robinson thanked the Department for its support in working toward a remedy to improve the accessibility of information between BQA and DRL, relating to prohibiting licensees from working who have a record of abuse, neglect or misappropriation.

Mr. Hansen explained that some changes to the “Response to Caregiver Background Check” form have been requested and are making progress.

The Board discussed the distinction between HFS and DRL, relating to the disciplinary action process and agreed that findings must be stated.

LEGISLATIVE UPDATE

AB 207, Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License

Mr. Schallock reported that he testified before the Committee on Aging and Long-Term Care on April 5, 2001. He indicated that an individual representing the Wisconsin Association of Homes and Services for the Aging (WAHSA) gave damaging testimony against the proposed bill. The information given was the results received from a survey of membership relating to requirements for examination for nursing home administrator licenses.

Mr. Hansen distributed a copy of John Sauer’s April 5, 2001, letter and survey results relating to NHA examination requirements.

Mr. Hansen explained that it is the opinion of some individuals that the proposed bill does shut out some people from being able to promote themselves through the system. He further explained that the survey had been conducted just prior to the hearing. Mr. Ramsey is stating that the evidence shows that the number of complaints against individuals who have a degree is no less than the number of complaints against those who do not have a degree.

Mr. Hansen indicated that William Donaldson, Executive Director of the Board on Aging and Long-Term Care, spoke in support of the bill and recommended 3000 hours of experience rather than 2000 hours.

The Board received Stephen H Seybold’s April 9, 2001, letter to State Representative Kitty Rhoades opposing the NHA bill.

Ms. Robinson stated that when previously introduced, the bill had the support of all of the state associations.

Mr. Oberbrunner advised that there are more licensed administrators than those actually working as licensed administrators.

Mr. Hansen advised that discussions are still going on between Representative Rhodes and Representative Wasserman's offices regarding issues, such as grandfathering. The earliest date for this bill to be voted on would be May 17 or May 31, 2001.

The Board was concerned that the bill would not pass, due to the opposition presented.

Ms. Robinson recommended establishing a committee to track data and arrive at statistics to help promote the bill. She recommended the committee backtrack to January 1, 2000, to get data relating to complaints that come in to the screening panel against individuals that do not meet educational requirements that are being proposed and do not have a bachelors degree. David Egan and Jerry Schallock volunteered to work on this committee. Mr. Schallock and Mr. Egan will meet the afternoon prior to the next meeting to review complaints and to prepare statistics relating to the proposed legislation.

Ms. Robinson will call key members of WAHSA for opinions on raising the bar for nursing home administrators.

Mr. Hansen will send information to Representative Wasserman's office and indicate that the Board discussed this issue at great length and will be doing research.

The Board discussed the proposed bill to license hospital administrators. Mr. Hansen indicated that this bill had not yet been introduced. Ms. Robinson recommended a motion to support the proposed bill. There was concern that the requirements of hospital administrators and nursing home administrators did not parallel. No action was taken to support the hospital bill.

Biennial Budget

Mr. Hansen indicated that nursing home administrator license fees will increase.

ADMINISTRATIVE RULES UPDATE

Revision of NHA Rules

Ms. Jefferson-Moore reviewed the proposed revisions to the administrative rules.

The Board addressed the definition of what constitutes a pattern of serious violations of federal and state statutes, rules and regulations.

Ms. Robinson indicated that the proposed definition does not agree with the original intent as described in the Regulatory Digest. The recommendation of the Rules Committee was that a pattern is more than one occurrence in a 36-month period of state Level A violations or federal violations at Level H or higher.

Ms. Robinson and Ms. Jefferson-Moore will work on language clean up of Section 2 of the proposed rule revisions.

Scope Statement for NHA Rules Revisions

Noted.

EXAMINATION ISSUES

Report of Exam Center

The Board reviewed Judy Mender's April 16, 2001, memo pertaining to exam concerns, including the untimeliness of candidates receiving results. Ms. Mender indicated that in most cases, the provisional appointment (120 days) expires before the candidates receive their results and are eligible to apply for licensure.

Ms. Mender questioned whether any consideration has been made to implementing the state exam as an open-book exam. The Board indicated that the memorization work that goes into the preparation for the state exam is very important for administrators.

Mr. Tichenor distributed and reviewed the 2000 and 2001 NHA exam pass rate statistics and the national exam results by subject matter. He indicated that the state exam continues to be tougher than the national exam and in the next year he would be scheduling a time for the Board to review the exam for difficulty, pass rate and content.

BOARD MEMBER ACTIVITY

Nothing to discuss.

NAB ANNUAL MEETING

MOTION: Karen Robinson moved, seconded by David Egan, to delegate Jerry Schallock as the representative to the NAB annual meeting. Motion carried unanimously.

The Board reviewed and completed the NAB questionnaire relating to the decline in the number of administrators entering the field of nursing home administration, as demonstrated by the number of candidates taking the NAB examination.

The Board received a copy of Judy Mender's memo relating to exam concerns and recommended a copy be sent to NAB along with the completed questionnaire.

The Board recommended that NAB address the concern that candidates receive results in a more timely manner.

ROLE OF CASE ADVISORY RELATING TO STIPULATIONS

The Board reviewed William Dusso's March 20, 2001, memo regarding the presentation of stipulations.

Ms. Schulz requested a copy of the Role of the Case Advisor.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Noted.

NEW BUSINESS

None.

RECESS TO CLOSED SESSION

MOTION: Jerry Schallock moved, seconded by David Egan, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss case status reports and case closings. Motion carried by a roll call vote: David Egan-yes; Patricia Schulz-yes; Jerry Schallock-yes; Roxann Sobek-yes; and Karen Robinson-yes. Motion carried unanimously.

Open Session recessed at 11:36 a.m.

The Board received a copy of the Case Status Report.

The Board deliberated case closings.

RECONVENE IN OPEN SESSION

MOTION: Patricia Schulz moved, seconded by David Egan, to reconvene in Open Session at 11:50 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Karen Robinson moved, seconded by Jerry Schallock, to close case 00 NHA 032, for P3. Motion carried unanimously.

MOTION: Jerry Schallock moved, seconded by Roxanne Sobek Miller, to close case 00 NHA 023, for P2.

OTHER SUCH ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: David Egan moved, seconded by Patricia Schulz, to adjourn the meeting at 11:52 p.m. Motion carried unanimously.